

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Consumer Protection and Safety Division  
Rail Transit Safety Section

Resolution ST-74  
January 27, 2005

**R E S O L U T I O N**

**RESOLUTION ST-74 GRANTING APPROVAL OF A  
REPORT CONCERNING THE 2004 SAFETY AUDIT OF THE  
PORT OF LOS ANGELES WATERFRONT RED CAR LINE**

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**Summary**

This resolution approves the Consumer Protection and Safety Division's (CPSD) Rail Transit Safety Section final audit report titled, "Triennial On-Site Safety Audit of The Port of Los Angeles Waterfront Red Car Line," dated December 1, 2004. The Port of Los Angeles Waterfront Red Car Line (POLA RCL) is ordered to implement the recommendations contained in the report and to provide quarterly progress reports to the Rail Transit Safety Section.

**Background**

Commission General Order No. 164-C, "Rules and Regulations Governing State Safety Oversight of Rail Fixed Guideway Systems" and Federal Transit Administration (FTA) Final Rule 49 CFR, Part 659, "State Safety Oversight of Rail Fixed Guideway Systems" require the Commission, as the designated state safety oversight agency for California, to conduct on-site safety reviews of transit agencies operating rail fixed guideway systems at least once every three years. Following the completion of each review, the Commission is required to issue a report containing its findings and recommendations. This report must also contain a determination of whether or not the transit agency's system safety program plan should be updated.

Staff of the Rail Transit Safety Section conducted an on-site safety audit of POLA RCL and its safety program beginning August 11 and concluding August 19, 2004. Staff conducted a post-audit exit conference with POLA RCL management on Thursday, August 19, 2004.

The methods used to conduct the audit included:

- a. Discussions with POLA RCL management;
- b. Reviews of procedures and records; and
- c. Interviews with managers and supervisors.

A full description of the audit, including the scope, results, and recommendations, is contained in the final audit report, which is attached to this resolution as Attachment A.

The results of the audit show that POLA RCL is in substantial compliance with its System Safety Program. However, some program deficiencies were identified during the audit. These deficiencies, along with recommendations for corrective actions, are described, where applicable, in the Findings and Recommendations section of each checklist and in the Findings and Recommendations section contained in the body of the final report. A complete listing of recommendations for the correction of each identified deficiency is contained in the report's Appendix C.

## **Protests**

Staff provided a draft audit report to POLA RCL for a 30-day review and comment period on November 1, 2004. On December 1, 2004, staff received POLA RCL's letter that accepted the six recommendations identified in the draft audit report.

## **Discussion**

Attachment A, the final report concerning the "Triennial On-Site Safety Audit of The Port of Los Angeles Waterfront Red Car Line," dated

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December 1, 2004, is based on staff's findings and includes staff's recommendations for appropriate corrective actions.

POLA RCL has stated to staff that it is working to develop corrective action plans for the deficiencies identified in the report and has initiated actions on some plans.

POLA RCL will provide regular quarterly updates concerning the status of its corrective actions until they are completed.

CPSD recommends that the Commission approve the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of The Port of Los Angeles Waterfront Red Car Line," dated December 1, 2004. CPSD also recommends that the Commission order POLA RCL to:

- Submit a report to the Rail Transit Safety Section, which includes the status of corrective actions for safety program deficiencies identified during the audit;
- Submit plans and schedules for implementing or completing the recommended corrective actions contained in the report;
- Implement the recommendations in accordance with the plans and schedules submitted; and
- Provide the Rail Transit Safety Section with quarterly reports on the status of the corrective actions until they are completed and implemented.

### **Comments**

All parties in the proceeding have agreed to waive the 30-day waiting period and the opportunity to file comments on the draft resolution, required by Public Utilities Code section 311(g)(1).

**Therefore, IT IS ORDERED that:**

January 27, 2005

1. The Consumer Protection and Safety Division's request for approval of the Rail Transit Safety Section's final audit report titled, "Triennial On-Site Safety Audit of The Port of Los Angeles Waterfront Red Car Line," dated December 1, 2004, is granted.
2. POLA RCL shall submit to the Rail Transit Safety Section, plans and schedules for implementing all recommended corrective actions contained in the final audit report. Those plans and schedules shall be submitted no later than 45 days from the effective date of this resolution.
3. POLA RCL shall complete and implement all recommended corrective actions contained in the report, in accordance with plans and schedules submitted to the Rail Transit Safety Section.
4. POLA RCL shall prepare and provide quarterly status reports beginning on March 1, 2005 to the Rail Transit Safety Section. The reports shall contain detailed information on the implementation of all remaining recommended corrective actions contained in the final audit report. Quarterly status reports shall continue to be provided until all recommended corrective actions are completed and implemented.
5. This resolution is effective today.

I certify that the Public Utilities Commission adopted this resolution at its regular meeting held on January 27, 2005. The following Commissioners voting favorably thereon:

/s/ STEVE LARSON

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STEVE LARSON  
Executive Director

MICHAEL R. PEEVEY  
President  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
DIAN M. GRUENEICH

Commissioners

## **ATTACHMENT A**